

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
NO: 3:04CR201**

**UNITED STATES OF AMERICA,**  
**Plaintiff**

**vs.**

**VINTAGE PHARMACEUTICALS, INC.**  
**WILLIAM PROPST, SR.,**  
**WILLIAM PROPST, JR., and**  
**QUALITEST PHARMACEUTICALS, INC.,**  
**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** in preliminary response to the “Defendants’ Motion to Compel Discovery” (“Motion to Compel”) (Document No. 103), filed March 25, 2005 by Vintage Pharmaceuticals, Inc. (“Vintage”), Qualitest Pharmaceuticals, Inc. (“Qualitest”), William Propst, Sr. and William Propst, Jr. (collectively with Mr. Propst, Sr., the “Propsts”); the “Government’s Opposition to Vintage’s Motion to Compel Discovery” (Document No. 112), filed June 8, 2005 by the United States of America; and the “Defendants’ Reply in Support ...” (Document No. 114), filed June 17, 2005 by Vintage, Qualitest and the Propsts.

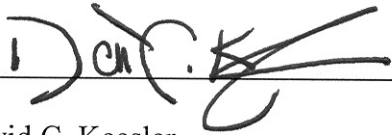
With respect to the arguments in the Motion to Compel regarding the United States’ search for and preservation of discoverable documents, the undersigned orders that the United States submit for the undersigned’s *in camera* review (i) an affidavit or affidavits setting forth the details of the United States’ search for discoverable documents, as well as any documentation supporting said search; and (ii) an affidavit or affidavits setting forth the details of the United States’ efforts to preserve discoverable documents, as well as any documentation supporting said efforts. With

respect to the arguments in the Motion to Compel regarding the eighty-nine documents identified by the United States on its privilege log to which Vintage, Qualitest and the Propsts argue that privilege should not apply, the undersigned orders that the United States submit a revised privilege log for the undersigned's *in camera* review. The revised privilege log should (i) identify the author and recipients of said document, including the job title and/or capacity in which such individual authored or received said document, (ii) describe in detail the basis for the assertion of privilege, and (iii) provide any and all other information that the United States believes is necessary for the undersigned to evaluate its assertion of privilege. For simplicity's sake, the undersigned asks the United States to employ the numbering convention adopted by Vintage, Qualitest and the Propsts in the Motion.

**These materials – which are to be *ex parte* – should be submitted to the undersigned on or before August 8, 2005. A hearing on the Motion to Compel shall be held in front of the undersigned during the week of August 15, 2005.** The parties should confer as to an available date and time for said hearing and contact the Court as soon as practicably possible with respect to the proposed date and time.

**IT IS SO ORDERED.**

**Signed: July 25, 2005**

  
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David C. Keesler  
United States Magistrate Judge

